IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

Monday, the Thirteenth day of September, Two Thousand and Four

Present :

The Hon'ble Mr.Justice J.CHELAMESWAR

And

The Hon'ble Mr.Justice B.SESHASAYANA REDDY

W.P.No.13294 of 2004

Between :

1. Engineer in Chief Administration,

Irrigation and CAD Department,

Erramanzil, Hyderabad

2. The Executive Engineer,

Irrigation and CAD Department

Special Construction Division,

Srikakulam .. Petitioners

And

R.Gopalu,

S/o Jaggaiah,

O/o The Executive Engineer,

I & CAD Special Construction Division,

Srikakulam .. Respondents

Petition under Article 226 of the Constitution praying that in the circumstances stated in the accompanying affidavit filed, this Hon'ble Court may be pleased to issue a order or direction more particularly one in the nature of Writ of Certiorari and calling for the records relating to the order passed in OA No.7284 of 1997 with VMA No.33/1998 on the file of Andhra Pradesh Administrative Tribunal, Hyderabad, dated 8.10.2003 and quash the same as illegal and arbitrary and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Counsel for the petitioner : Government Pleader for Services-II

Counsel for the respondent :

The Court at the admission stage made the following:

ORDER :

This writ petition is filed against the order dated 28.10.2003 passed in O.A.No.7284 of 1997 with VMA No.33 of 1998 by which the learned Tribunal allowed the OA and set aside the order of the writ petitioner passed in proceedings No.1537 M/AB/A-1/C.9, dated 13.11.1997.

The respondent was initially appointed as unskilled NMR on 1.1.1976. His services were terminated for want of vacancy in March, 1979. Thereafter, he was appointed as a water boy on 25.5.1979. His services were placed in the minimum time scale after completion of five years in 1984-85. Subsequently, his pay was enhanced to Rs.740/- with effect from 1.10.1989 by proceedings dated 23.12.1989. Later his services were converted into last grade with effect from 18.2.1992 by proceedings dated 16.7.1992. While so, the 2nd petitioner herein issued proceedings canceling

the conversion of the respondent herein. Thus the respondent filed OA before the Andhra Pradesh Administrative Tribunal questioning the proceedings. The petitioners filed counter resisting the application before the APAT. The learned Tribunal on considering the material on record and on hearing counsel for both the parties set aside the proceedings issued by the 2nd petitioner herein. Assailing the order passed in O.A.No.7284 of 1997, the respondents therein have filed this writ petition. Learned Government Pleader for Services submits that the very regularization of services of the respondent is not in accordance with G.O.Ms.No.184, Finance & Planning (FW.PRC.III) Department, dated 28.6.1991 and therefore he was rightly terminated. We do not see any merit in his contention since the respondent has been in continuous service since 1979 and his services came to be regularized with effect from 1.10.1989. Added to that, no notice was served on the respondent before terminating the services. The Tribunal considered the material brought on record in right perspective and set aside the orders issued by the 2nd petitioner herein. We do not see any ground to interfere with the impugned order passed by the learned Tribunal. Accordingly, the writ petition is dismissed at the admission stage. No costs.

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knk 13.09.2004

To

1. The Engineer in Chief Administration,

Irrigation and CAD Department,

Erramanzil, Hyderabad

2. The Executive Engineer,

Irrigation and CAD Department

Special Construction Division,

Srikakulam.

3. Two CCs to the G.P. for Services-II, High Court Buildings,

Hyderabad(OUT).

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